

REMARKS

In paragraph 2 the Examiner rejects Claims 120-133, 140-144 and 153-178 as anticipated by the Whayne '791 patent arguing that Whayne discloses an LAA occlusion method meeting each of the claim limitations. As understood by the Applicant and with reference to Fig. 27a of Whayne, the mesh is not placed over the LAA from the interior as required by the amended claim but rather collapses the LAA from the pericardial space. Although the language "in" should distinguish over this reference additional amendments are made to clarify this distinction.

In paragraph 5 the Examiner rejects Claims 131-139 and 145-142 as obvious over Whayne '791 arguing that like Whayne the device prevents the transfer from thrombus from the LAA. The claim has been amended to clarify the fact that the device is retained wholly within the interior of the LAA. The Applicant argues that obliteration of the left atrial appendage through the pericardial space is not equivalent to nor render obvious occlusion of the LAA on the interior of the heart.

In paragraph 6 the Examiner rejects Claims 1-5, 38-50, 55-61, 63, 64, 66-71, 85-91, 179-180 as unpatentable over the combination of Whayne and Cottenceau '612.

Applicant is in general agreement about the teaching of the Cottenceau '612 reference although Applicant notes that it is essentially a vascular filter with a dissolvable mesh framework.

With respect to Claims 1-5 an amendment has been made to clarify the requirement that the device be placed inside the heart.

With respect to Claims 38-40 and 45-48 an amendment has been made to clarify the requirement that the device be placed inside the heart.

With respect to Claims 59 and 61 and the specific comments regarding claims 41,42, 50,55, and 64 and 91 the framework is not biodegradable and the porosity is selected to meet a different purpose. Please note that the use of an implanted device to close off a blind aperture such as the LAA and do it in the permanent fashion associated with the endothealization of the device such that after a period of time the LAA is closed off to the main heart chamber and only a smooth continuous natural tissue barrier is presented to the blood. It is the Applicant's argument that this mechanism of action is taught by neither reference and the claims have been amended to draw the structural and geometric distinctions to support this argument. More particularly,

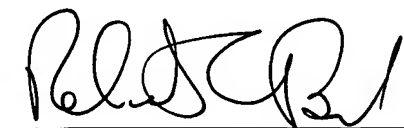
Applicant notes that the pore size of PTFE is not a matter of obvious choice since certain pore sizes promote endothelialization and other pore sizes do not. The applied reference has a bio-degradable frame that is selected for a different purpose than the permanent frame of the claimed invention.

CONCLUSION

All of the claims remaining in this application should now be seen to be in condition for allowance. The prompt issuance of a notice to that effect is solicited.

Respectfully submitted,
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By its attorneys:

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A handwritten signature in black ink, appearing to read 'Robert C. Beck', written over a horizontal line.

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